

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (previously presented) A metal pigment for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions or the like, characterized in that a metallic substrate has a substrate-enclosing layer produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and metallic substrate.

2. (original) A metal pigment according to claim 1, characterized in that the layer is compatible with a binding agent or carrier of the cosmetic preparation.

3. (currently amended) A metal pigment according to claim 1 ~~or 2~~, characterized in that the layer contains inorganic material or consists of it.

4. (currently amended) A pigment according to ~~any of~~  
~~claims 1 through 3~~, characterized in that the inorganic  
material is selected from the group consisting of silicon  
oxide, titanium oxide, aluminum oxide, iron oxide, cerioxide  
and chromium oxide or corresponding hydrates as well as  
mixtures thereof.

5. (currently amended) A pigment according to ~~any of~~  
~~claims 1 through 3~~, characterized in that the layer contains  
organic material or consists of it.

6. (currently amended) A pigment according to ~~any of~~  
~~claims 1 through 3 or 5~~, characterized in that the organic  
material contains polyacrylates, silicones, polyolefins,  
polystyrol, polyesters, cellulose esters, polyamides,  
phosphor-organic substances, organically modified silanes,  
organically modified titanates, organically modified  
zirconates, as well as mixtures thereof.

7. (currently amended) A pigment according to ~~any of~~  
~~claims 1 through 6~~, characterized in that the layer thickness  
of the encapsulation is 5 to 500 nm.

8. (currently amended) A pigment according to ~~any of~~ claims 1 ~~through 7~~, characterized in that the metallic core consists of copper, zinc, aluminum, titanium, silver or gold or alloys of said elements.

9. (currently amended) A pigment containing aluminum according to ~~any of claims 1 through 8~~ claim 1, characterized in that the metallic core consists of aluminum, 100% of the grain size is  $< 75 \mu\text{m}$  and 95% is  $< 45 \mu\text{m}$  and the content of mercury is  $\leq 1 \text{ ppm}$ , of arsenic  $\leq 3 \text{ ppm}$ , of lead  $\leq 20 \text{ ppm}$ , and the Al content is  $\geq 99\%$ .

10. (currently amended) A pigment according to ~~any of claims 1 through 8~~, characterized in that the metallic core consists of aluminum, the content of mercury is  $\leq 1 \text{ ppm}$ , of arsenic  $\leq 3 \text{ ppm}$ , of lead  $\leq 10 \text{ ppm}$ , of cadmium  $\leq 1 \text{ ppm}$ , of heavy metals (as lead)  $\leq 40 \text{ ppm}$ , the drying loss at  $105^\circ\text{C}$  is  $\leq 0.5\%$ , and the Al content is  $\geq 99\%$ .

11. (currently amended) A pigment according to ~~any of claims 1 through 8~~ in the form of a bronze pigment, characterized in that the metallic core contains a content of copper of 70 to 95%, a content of zinc  $\leq 30\%$  and a content of aluminum and tin of  $\leq 0.5\%$  in each case, and the content of

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cadmium is  $\leq 15$  ppm, of lead  $\leq 20$  ppm, of arsenic  $\leq 3$  ppm and of mercury  $\leq 1$  ppm, and 95% of the grain size is  $< 45 \mu\text{m}$ .

12. (currently amended) A pigment according to ~~any of claims 1 through 8~~ in the form of a copper pigment, characterized in that the metallic core has a content of copper  $\geq 95\%$  and the content of cadmium is  $\leq 15$  ppm, of lead  $\leq 20$  ppm, of arsenic  $\leq 3$  ppm and of mercury  $\leq 1$  ppm, and 95% of the grain size is  $< 45 \mu\text{m}$ .

13. (currently amended) A pigment according to ~~any of claims 1 through 8~~, characterized in that the metallic core consists of silver, the content of mercury is  $\leq 1$  ppm, of arsenic  $\leq 5$  ppm, of lead  $\leq 10$  ppm, and the content of silver is  $\geq 99.9\%$ .

14. (currently amended) A pigment according to ~~any of claims 1 through 8~~, characterized in that the metallic core consists of silver and the content of silver is  $\geq 99.5\%$ .

15. (currently amended) A pigment according to ~~any of claims 1 through 8~~, characterized in that the metallic core consists of gold, the content of silver is  $\leq 7\%$ , of copper  $\leq 4\%$ , and the content of gold is  $\geq 90\%$ .

16. (currently amended) A pigment according to ~~any of claims 1 through 5~~, characterized in that the pigment is provided with a coating, wherein the weight ratio of coating to metallic core is between 1 and 0.001.

17. (currently amended) A pigment according to ~~any of claims 1 through 16~~, characterized in that the metallic substrate is a metal pigment produced through grinding with lubricants of plant origin.

18. (currently amended) A pigment according to ~~any of claims 1 through 17~~, characterized in that the metallic core is formed flake-like with a diameter of 1 to 100  $\mu\text{m}$  and a mean thickness of 0.05 to 2  $\mu\text{m}$ .

19. (currently amended) A method for producing a pigment according to ~~any of the above claims 1~~, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

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20. (currently amended) A cosmetic preparation  
| containing a pigment according to ~~any of claims 1 through 8.~~